

AN ACT concerning first responders.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the First Responders Suicide Prevention Act.

Section 5. Definitions. In this Act:

"Emergency services provider" means any public employer that employs persons to provide firefighting services.

"Emergency services personnel" means any employee of an emergency services provider who is engaged in providing firefighting services.

"Law enforcement agency" means any county sheriff, municipal police department, police department established by a university, the Department of State Police, the Department of Corrections, the Department of Children and Family Services, the Division of Probation Services of the Supreme Court, the Office of the Statewide 9-1-1 Administrator, and other local or county agency comprised of county probation officers, corrections employees, or 9-1-1 telecommunicators or emergency medical dispatchers.

"Peer support advisor" means an employee, approved by the law enforcement agency or the emergency provider, who voluntarily provides confidential support and assistance to

fellow employees experiencing personal or professional problems. An emergency services provider or law enforcement agency shall provide peer support advisors with an appropriate level of training in counseling to provide emotional and moral support.

"Peer support counseling program" means a program established by an emergency services provider, a law enforcement agency, or collective bargaining organization to train employees to serve as peer support advisors to conduct peer support counseling sessions.

"Peer support counseling session" means communication with a peer support advisor designated by an emergency services provider or law enforcement agency. A peer support counseling session is accomplished primarily through listening, assessing, assisting with problem-solving, making referrals to a professional when necessary and conducting follow-up as needed.

"Public safety personnel" means any employee of a law enforcement agency.

Section 10. Establishment of peer support program; applicability. Any emergency services provider, law enforcement agency, or collective bargaining organization that creates a peer support program is subject to this Act. An emergency services provider, law enforcement agency, or collective bargaining organization shall ensure that peer

support advisors receive appropriate training in counseling to conduct peer support counseling sessions. Emergency services personnel and public safety personnel may refer any person to a peer support advisor within the emergency services provider or law enforcement agency, or if those services are not available within the agency, to another peer support counseling program that is available and approved by the emergency services provider or law enforcement agency. Notwithstanding any other provision of this Act, public safety personnel may not mandate that any employee participate in a peer support counseling program.

Section 20. Confidentiality; exemptions.

(a) Any communication made by an employee of an emergency services provider or law enforcement agency or peer support advisor in a peer support counseling session and any oral or written information conveyed in the peer support counseling session is confidential and may not be disclosed by any person participating in the peer support counseling session and shall not be released to any person or entity.

(b) Any communication relating to a peer support counseling session made confidential under this Section that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor or staff of a peer support counseling program, is confidential and may not be disclosed.

(c) This Section does not prohibit any communications between counselors who conduct peer support counseling sessions or any communications between counselors and the supervisors or staff of a peer support counseling program.

(c-5) Any communication described in subsection (a) or (b) is subject to subpoena for good cause shown.

(d) This Section does not apply to:

(1) any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide;

(2) any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect;

(3) any admission of criminal conduct; or

(4) an admission or act of refusal to perform duties to protect others or the employee of the emergency services provider or law enforcement agency.

(e) All communications, notes, records, and reports arising out of a peer support counseling session are not subject to disclosure under Section 7.5 of the Freedom of Information Act.

(e-5) A department that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who

violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with department personnel who are not supervisors or staff of the peer support counseling program, unless the information is related to the exemptions in subsection (d).

(f) A cause of action exists for public safety personnel or emergency services personnel if the emergency services provider or law enforcement agency uses confidential information obtained during a confidential peer support counseling session conducted by a law enforcement agency or by an emergency services provider for an adverse employment action against the participant.

Section 25. Judicial proceedings. Any oral communication or written information made or conveyed by a participant or peer support advisor in a peer support counseling session is not admissible in any judicial proceeding, arbitration proceeding, or other adjudicatory proceeding, except to the extent necessary to enforce subsection (f) of Section 20.

Section 30. First Responders Suicide Task Force.

(a) The First Responders Suicide Task Force is created to pursue recommendations to help reduce the risk and rates of suicide among first responders, along with developing a mechanism to help reduce the risk and rates of suicide among

first responders. The Task Force shall be composed of the following members:

(1) the Director of State Police or his or her designee;

(2) the Director of Public Health or his or her designee;

(3) 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall serve as co-chair;

(4) 2 members of the House of Representatives appointed by the Minority Leader of the House of Representatives;

(5) 2 members of the Senate appointed by the President of the Senate, one of whom shall serve as co-chair;

(6) 2 members of the Senate appointed by the Minority Leader of the Senate;

(7) 2 members who represent 2 different mental health organizations, one appointed by the Minority Leader of the House of Representatives and one appointed by the Minority Leader of the Senate;

(8) one member who represents an organization that advocates on behalf of police appointed by the Speaker of the House of Representatives;

(9) one member who represents the Chicago Police Department appointed by the Minority Leader of the House of Representatives;

(10) 2 members who represent organizations that

advocate on behalf of firefighters appointed by the President of the Senate;

(11) one member who represents the Chicago Fire Department appointed by the Minority Leader of the Senate; and

(12) one member who represents an organization that advocates on behalf of sheriffs in the State of Illinois appointed by the President of the Senate.

(b) Members of the Task Force shall be appointed within 30 days after the effective date of this Act and shall serve without compensation. The Task Force shall begin meeting no later than 30 days after all members have been appointed. The Department of State Police shall provide administrative support for the Task Force, and if the subject matter is either sensitive or classified, the Task Force may hold its hearings in private.

(c) The Task Force shall issue a final report to the General Assembly on or December 31, 2020 and, one year after the filing of its report, is dissolved.

Section 35. Other provisions of law. Nothing in this Act limits or reduces any confidentiality protections or legal privileges that are otherwise provided by law or rule, including, but not limited to, local ordinance, State or federal law, or court rule. Any confidentiality provision enacted by local ordinance on or after the effective date of

this Act may not diminish the protections enumerated in this Act.

Section 105. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is

restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation

under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Record ~~Records~~ Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for

or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure

under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) ~~(ll)~~ Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) ~~(ll)~~ Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised 10-12-18.)

Section 110. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-610 as follows:

(20 ILCS 2605/2605-610 new)

Sec. 2605-610. Possession of a Firearm Owner's Identification Card. The Department shall not make possession of a Firearm Owner's Identification Card a condition of continued employment if the State Police officer's Firearm Owner's Identification Card is revoked or seized because the State Police officer has been a patient of a mental health facility and the State Police officer has not been determined to pose a clear and present danger to himself, herself, or others as determined by a physician, clinical psychologist, or qualified examiner. Nothing in this Section shall otherwise impair an employer's ability to determine a State Police officer's fitness for duty. A collective bargaining agreement already in effect on this issue on the effective date of this amendatory Act of the 101st General Assembly cannot be modified, but on or after the effective date of this amendatory Act of the 101st General Assembly, the employer cannot require a Firearm Owner's Identification Card as a condition of continued employment in a collective bargaining agreement. The employer shall document if and why a State Police officer has been determined to pose a clear and present danger.

Section 115. The Illinois Police Training Act is amended by changing Section 7 as follows:

(50 ILCS 705/7) (from Ch. 85, par. 507)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), training in the administration of opioid

antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act, handling of juvenile offenders, recognition of mental conditions and crises, including, but not limited to, the disease of addiction, which require immediate assistance and response and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are age sensitive and are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include training in effective

recognition of and responses to stress, trauma, and post-traumatic stress experienced by police officers that is consistent with Section 25 of the Illinois Mental Health First Aid Training Act in a peer setting. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum for permanent police officers shall include, but not be limited to: (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary police officers, including University police officers.

b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary police officer must satisfactorily complete before being eligible for permanent employment as a local

law enforcement officer for a participating local governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement

experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685). Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

g. Minimum in-service training requirements, which a police officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper

use of law enforcement authority, procedural justice, civil rights, human rights, mental health awareness and response, and cultural competency.

h. Minimum in-service training requirements, which a police officer must satisfactorily complete at least annually. Those requirements shall include law updates and use of force training which shall include scenario based training, or similar training approved by the Board.

(Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18; 100-247, eff. 1-1-18; 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff. 1-1-19; revised 9-28-19.)

Section 117. The Uniform Peace Officers' Disciplinary Act is amended by changing Section 7.2 as follows:

(50 ILCS 725/7.2)

Sec. 7.2. Possession of a Firearm Owner's Identification Card. An employer of an officer shall not make possession of a Firearm Owner's Identification Card a condition of continued employment if the officer's Firearm Owner's Identification Card is revoked or seized because the officer has been a patient of a mental health facility and the officer has not been determined to pose a clear and present danger to himself, herself, or others as determined by a physician, clinical psychologist, or qualified examiner. Nothing in this Section

shall otherwise impair an employer's ability to determine an officer's fitness for duty. On and after the effective date of this amendatory Act of the 100th General Assembly, Section 6 of this Act shall not apply to the prohibition requiring a Firearm Owner's Identification Card as a condition of continued employment, but a collective bargaining agreement already in effect on that issue on the effective date of this amendatory Act of the 100th General Assembly cannot be modified. The employer shall document if and why an officer has been determined to pose a clear and present danger.

(Source: P.A. 100-911, eff. 8-17-18.)

Section 120. The Illinois Fire Protection Training Act is amended by changing Section 8 as follows:

(50 ILCS 740/8) (from Ch. 85, par. 538)

Sec. 8. Rules and minimum standards for schools. The Office shall adopt rules and minimum standards for such schools which shall include but not be limited to the following:

a. Minimum courses of study, resources, facilities, apparatus, equipment, reference material, established records and procedures as determined by the Office.

b. Minimum requirements for instructors.

c. Minimum basic training requirements, which a trainee must satisfactorily complete before being eligible for permanent employment as a firefighter ~~fire fighter~~ in

the fire department of a participating local governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation) and training in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act.

d. Training in effective recognition of and responses to stress, trauma, and post-traumatic stress experienced by firefighters that is consistent with Section 25 of the Illinois Mental Health First Aid Training Act in a peer setting.

(Source: P.A. 99-480, eff. 9-9-15; 100-759, eff. 1-1-19.)

Section 130. The Counties Code is amended by adding Section 3-6012.2 as follows:

(55 ILCS 5/3-6012.2 new)

Sec. 3-6012.2. Mental health specialists; sheriff's offices. Sheriff's offices shall ensure that mental health resources, including counselors or therapists, are available to each sheriff's office's employees, whether through direct employment by that office, contract employment, or other means.

Section 135. The Illinois Municipal Code is amended by adding Sections 11-1-14 and 11-6-11 as follows:

(65 ILCS 5/11-1-14 new)

Sec. 11-1-14. Mental health specialists; police. The corporate authorities of each municipality which has established a police department shall ensure that mental health resources, including counselors or therapists, are available to that police department's employees, whether through direct employment by that department, contract employment, or other means.

(65 ILCS 5/11-6-11 new)

Sec. 11-6-11. Mental health specialists; fire. The corporate authorities of each municipality which has established firefighting services shall ensure that mental health resources, including counselors or therapists, are available to that fire department's employees, whether through direct employment by that department, contract employment, or other means.

Section 999. Effective date. This Act takes effect upon becoming law.